

Senate File 516

S-3187

1 Amend Senate File 516 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 422.7, Code 2011, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 34. *a.* Subtract, to the extent  
7 not otherwise deducted or excluded and subject to the  
8 limitations of this subsection, thirty percent of  
9 the allowable costs incurred for the construction or  
10 installation of a solar energy system or a wind energy  
11 system.

12 *b.* The deduction allowed under paragraph "a" shall  
13 be limited to the following amounts:

14 (1) In the case of commercial or agricultural  
15 construction or installation, fifteen thousand dollars.

16 (2) In the case of residential construction or  
17 installation, three thousand dollars.

18 *c.* To be eligible for a deduction under this  
19 subsection, a taxpayer shall meet all of the following  
20 conditions:

21 (1) An applicant shall complete and submit an  
22 energy audit conducted either by or on behalf of the  
23 applicant's electric utility or through a private  
24 energy audit service. The level of energy audit to  
25 be conducted shall be determined under rules adopted  
26 by the department in consultation with the utilities  
27 board of the utilities division of the department of  
28 commerce.

29 (2) The solar energy system or wind energy system  
30 must qualify for the energy star efficiency rating  
31 developed by the United States environmental protection  
32 agency, or a similar certification program or status  
33 designated by the department by rule, if available.

34 (3) The installation must be performed by a  
35 licensed or certified installer qualified to install  
36 solar energy or wind energy systems and equipment, and  
37 must meet or exceed all applicable local building codes  
38 and ordinances.

39 *d.* A taxpayer who is eligible for a deduction under  
40 this subsection shall not be eligible to claim the wind  
41 energy production tax credit provided in chapter 476B  
42 or the renewable energy tax credit provided in chapter  
43 476C.

44 *e.* On or before January 1, annually, the department  
45 shall submit a written report to the governor and the  
46 general assembly regarding the amounts claimed as a  
47 deduction pursuant to this subsection.

48 *f.* For purposes of this subsection, the following  
49 terms have the following meanings:

50 (1) "Allowable costs" means amounts incurred in

1 the construction or installation of a solar energy  
2 system or a wind energy system which are determined by  
3 the department by rule to qualify for the deduction  
4 pursuant to this subsection.

5 (2) "*Residential*" means a primary or vacation  
6 residence, and excludes rental property.

7 (3) "*Solar energy system*" means a solar energy  
8 facility which collects and converts incident solar  
9 radiation into energy to generate electricity.

10 (4) "*Wind energy system*" means a wind energy  
11 conversion system that collects and converts wind  
12 into energy to generate electricity, with a nameplate  
13 generating capacity of less than or equal to twenty  
14 megawatts.

15 Sec. 2. Section 422.35, Code 2011, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 25. *a.* Subtract, to the extent  
18 not otherwise deducted or excluded and subject to the  
19 limitations of this subsection, thirty percent of  
20 the allowable costs incurred for the construction or  
21 installation of a solar energy system or a wind energy  
22 system.

23 *b.* The deduction allowed under paragraph "*a*" shall  
24 be limited to the following amounts:

25 (1) In the case of commercial or agricultural  
26 construction or installation, fifteen thousand dollars.

27 (2) In the case of residential construction or  
28 installation, three thousand dollars.

29 *c.* To be eligible for a deduction under this  
30 subsection, a taxpayer shall meet all of the following  
31 conditions:

32 (1) An applicant shall complete and submit an  
33 energy audit conducted either by or on behalf of the  
34 applicant's electric utility or through a private  
35 energy audit service. The level of energy audit to  
36 be conducted shall be determined under rules adopted  
37 by the department in consultation with the utilities  
38 board of the utilities division of the department of  
39 commerce.

40 (2) The solar energy system or wind energy system  
41 must qualify for the energy star efficiency rating  
42 developed by the United States environmental protection  
43 agency, or a similar certification program or status  
44 designated by the department by rule, if available.

45 (3) The installation must be performed by a  
46 licensed or certified installer qualified to install  
47 solar energy or wind energy systems and equipment, and  
48 must meet or exceed all applicable local building codes  
49 and ordinances.

50 *d.* A taxpayer who is eligible for a deduction under

1 this subsection shall not be eligible to claim the wind  
2 energy production tax credit provided in chapter 476B  
3 or the renewable energy tax credit provided in chapter  
4 476C.

5 e. On or before January 1, annually, the department  
6 shall submit a written report to the governor and the  
7 general assembly regarding the amounts claimed as a  
8 deduction pursuant to this subsection.

9 f. For purposes of this subsection, the following  
10 terms have the following meanings:

11 (1) "*Allowable costs*" means amounts incurred in  
12 the construction or installation of a solar energy  
13 system or a wind energy system which are determined by  
14 the department by rule to qualify for the deduction  
15 pursuant to this subsection.

16 (2) "*Residential*" means a primary or vacation  
17 residence, and excludes rental property.

18 (3) "*Solar energy system*" means a solar energy  
19 facility which collects and converts incident solar  
20 radiation into energy to generate electricity.

21 (4) "*Wind energy system*" means a wind energy  
22 conversion system that collects and converts wind  
23 into energy to generate electricity, with a nameplate  
24 generating capacity of less than or equal to twenty  
25 megawatts.

26 Sec. 3. RETROACTIVE APPLICABILITY. This Act  
27 applies retroactively to January 1, 2011, for tax years  
28 beginning on or after that date.>

29 2. Title page, by striking lines 1 through 4 and  
30 inserting <An Act excluding from the computation of net  
31 income specified amounts incurred in the construction  
32 and installation of solar energy systems and wind  
33 energy systems and including retroactive applicability  
34 provisions.>

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